

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JOSHUA THOMAS EARL WILLIAMS, SR.

PLAINTIFF

v.

No. 4:09CV69-M-D

TERRY BURNS, ET AL., ET AL.

DEFENDANTS

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

Upon consideration of the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge dated September 17, 2009, was on that date duly served by mail upon the *pro se* plaintiff at his last known address; that more than ten days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been filed or served by any party. The court is of the opinion that the magistrate judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore **ORDERED**:

1. That the Report and Recommendation of the United States Magistrate Judge dated September 17, 2009, is hereby **APPROVED AND ADOPTED** as the opinion of the court.
2. That the plaintiff's claims against the Mississippi Department of Corrections are **DISMISSED** with prejudice.
3. That the plaintiff's claims against the remaining defendants shall proceed.

THIS, the 25th day of November, 2009.

s/ MICHAEL P. MILLS
CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI